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U.S. DISTRICT COURT
DISTRICT OF MASS.

Connecticut
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February 25, 2005

BY FIRST CLASS MAIL AND FACSIMILE TO 617.748.9096

Honorable Judge Rya W. Zobel
United States District Court for the District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

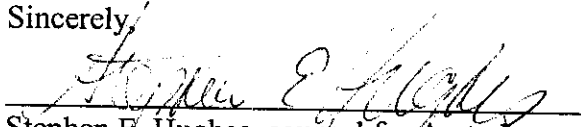
RE: PASIONEK v. AMTRAK
U.S. District Court for the Dist. of Massachusetts C.A. No. 04CV11172RWZ

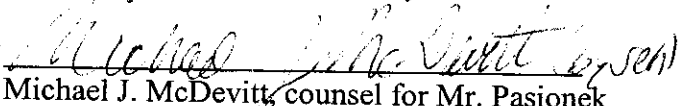
Dear Judge Zobel:

During the Scheduling Conference held on this matter on November 17, 2004, the Court identified a case schedule in which initial discovery was to be completed by the end of February 2005 and all discovery by the end of May 2005. The parties were asked to report to the Court on the progress of settlement discussions when the first phase of discovery was complete. Unfortunately, through no fault of the plaintiff, it has not been possible for the initial phase of discovery to be completed by that time. However, the 30(b)(6) deposition of Amtrak will take place on March 11, 2005 and the deposition of the plaintiff on March 16, 2005. Once those depositions have been taken, the parties believe that more meaningful settlement discussions can be undertaken. Consequently, the parties expect to be able to report to the court at the end of March 2005 as to whether the case is ripe for settlement or whether further discovery will need to be taken. In any event the modest delay to the initial discovery phase will cause no delay to the overall tracking order. Unless the Court orders otherwise, the parties will report back to the Court in one month's time.

Thank you for your attention to this matter.

Sincerely,


Stephen E. Hughes, counsel for Amtrak


Michael J. McDevitt, counsel for Mr. Pasionek